United States Department of Labor Employees' Compensation Appeals Board

T.B., Appellant)
and) Docket No. 22-0074) Issued: January 31, 2022
DEPARTMENT OF VETERANS AFFAIRS, VA MEDICAL CENTER, Wilmington, DE, Employer))))
Appearances: Appellant, pro se Office of Solicitor, for the Director	Case Submitted on the Record

ORDER DISMISSING APPEAL

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
PATRICIA H. FITZGERALD, Alternate Judge

On October 21, 2021 the Clerk of the Appellate Boards inadvertently assigned Docket No. 22-0074 to a purported appeal from a September 15, 2020 decision of the Office of Workers' Compensation Programs (OWCP).

The Board has duly considered this matter and finds that the appeal is invalid. Section 501.3(a) of the Board's *Rules of Procedure* provides that a "person adversely affected by a final decision of the Director [of OWCP] or his or her authorized Representative, may file an appeal of such decision by the Board." The AB-1 form received by the Clerk of the Appellate Boards was filed by "Sara L. @ First State Ortho". Appellant did not sign the appeal form, nor did she authorize "Sara L." to represent her. The Board, therefore, concludes that neither a "person adversely affected" by a final OWCP decision, nor an "authorized representative," has filed an appeal to the Board. As such, there is no valid appeal before the Board.

The Board further finds that the Board's jurisdiction is limited to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act.² This jurisdiction

¹ 20 C.F.R. § 501.3(a)

² 5 U.S.C. § 8101 et seq.; 20 C.F.R. § § 501.2(c) and 501.3(a).

encompasses any final adverse decision issued by OWCP within 180 days of the date of the appeal.³ The September 15,2020 decision is a notice of acceptance of the claim, not a final adverse decision of OWCP. There is no final adverse decision issued by OWCP over which the Board may properly exercise jurisdiction.⁴ Accordingly,

IT IS HEREBY ORDERED THAT the purported appeal docketed as No. 22-0074 is dismissed.

Issued: January 31, 2022 Washington, DC

> Alec J. Koromilas, Chief Judge Employees' Compensation Appeals Board

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Janice B. Askin, Judge Employees' Compensation Appeals Board

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Patricia H. Fitzgerald, Alternate Judge Employees' Compensation Appeals Board

³ 20 C.F.R. § 501.3(e).

⁴ The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance." 20 C.F.R. § 501.6(d).